

REMARKS/ARGUMENTS

The Examiner is thanked for the Official Action dated April 19, 2005. This amendment and request for reconsideration is intended to be fully responsive thereto.

Claims 1, 2, 8, 9 and 12 were rejected under 35 U.S.C. 102(b) as being anticipated by Lesage (USPN 5,205,354).

In order to expedite the prosecution of the present application, claim 1 has been amended to specify that the first part and the second part are assembled by brazing along the entire continuous edges thereof defined by distal ends of the first and second parts, so as to delimit the chamber solely by the first and second parts. No new matter has been added. The antecedent basis to this amendment could be found on page 7, line 12 – page 8, line 2 of the specification and Figs. 1-6 of the present application.

Regarding claim 1: Lesage fails to disclose the heat exchanger manifold comprising the first part and the second part that are assembled by brazing along the entire continuous edges thereof so as to delimit the chamber solely by the first and second parts. Thus, Lesage does not meet the standard of anticipation.

In fact, the tank 60 (the chamber) of the heat exchanger manifold of Lesage is formed by four parts (first part 10, second part 26 and end plates 38 and 40). Moreover, the end edges 44 of the second part 26 of Lesage are welded to side surfaces of the end plates 38 and 40 (see Fig. 5 of Lesage), not to the distal edges of the bottom 12 of the first part 10, as recited in claim 1.

Therefore, rejection of claim 1 under 35 U.S.C. 102(a) as being anticipated by Lesage is improper.

Applicant further respectfully submits that claims 2, 8, 9 and 12, depending upon base claim 1 and including all of the distinguishing features thereof, are not anticipated by Lesage for the reasons discussed above and for the additional reason that the added subject matter of the dependent claims, when taken in conjunction with the features of claim 1, is neither disclosed in nor reasonably suggested by the applied prior art.

Further regarding claim 9: Claim 9 has been amended for correcting a minor inconsistency. No new matter has been added. The antecedent basis to this amendment could be found on page 7, lines 4–11 of the present specification.

In addition to above arguments regarding the rejection of claim 1 under 35 U.S.C. 102(b) over Lesage and contrary to the Examiner's allegations, Lesage fails to disclose the face-to-face extensions in the lateral walls 14. As clearly illustrated in Figs. 1 and 3 of Lesage, the lateral walls 14 have no face-to-face extensions and the pipe aperture 18 is formed in the lateral walls 14, not the extension thereof. Thus, rejection of claim 9 under 35 U.S.C. 102(a) as being anticipated by Lesage is improper.

Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Lesage in view of Stay et al. (USPN 4,531,578). Applicant respectfully disagrees.

Claim 3 has been amended to further specify the present invention. No new matter has been added. The antecedent basis to this amendment could be found on page 7, lines 12–

22 and page 7, line 30-page 8, line 2 of the specification and Figs. 1-6 of the present application.

As argued above regarding the rejection of claim 1 under 35 U.S.C. 102(b), Lesage fails to disclose the heat exchanger manifold comprising the first part and the second part that are assembled by brazing along the entire continuous edges thereof so as to delimit the chamber solely by the first and second parts. Furthermore, The Examiner admits that Lesage fails to disclose a peripheral groove provided on the continuous edge of the first part for accommodating the continuous edge of the second part.

The Examiner then cites Stay teaching a connection for securing a tank to a header plate in a heat exchanger, wherein the header plate 12, at its periphery, includes a groove, generally designated 28. The Examiner further alleges that it would have been obvious to one of ordinary skill in the art to modify the heat exchanger of Lesage by providing peripheral grooves for accommodating the longitudinal edge of the second part as taught by Stay in order to tight connection between the first part and the second part.

First, as argued above regarding the rejection of claim 1 under 35 U.S.C. 102(b), Lesage fails to disclose the heat exchanger manifold comprising the first part and the second part that are assembled by brazing along the entire continuous edges thereof, as the heat exchanger manifold of Lesage is formed by four parts (first part 10, second part 26 and end plates 38 and 40). Thus, it is impossible to provide the continuous edge of the first part 10 of Lesage with peripheral grooves for accommodating the continuous edge of the second part 26. Accordingly, the Examiner's modification of the Lesage in view of Stay is improper.

Second, as clearly stated by Stay "it is an object of the invention to provide such a

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connection that is made by deformation and yet has sufficient strength to resist deformation back towards its original configuration" (see column 2, lines 2-5). Contrary to Stay, the invention recited in claim 3 provides connection by brazing. Obviously, it would not have been obvious to one of ordinary skill in the art to modify the heat exchanger of Lesage by providing peripheral grooves used in the connection that is made by deformation for connecting by brazing.

Moreover, Stay teaches the connection made by deformation for securing the plastic tank 10 to the metal header plate 12 (see column 2, lines 67-68). Evidently, plastic and metal cannot be connected by brazing as recited in claim 3 of the present application, or welding as disclosed by Lesage, for connecting metal to metal. Hence, the combination and modification of Lesage and Stay suggested by the Examiner cannot be made.

Furthermore, the groove 28 is formed in the header plate 12 (or the second part), not the first part as recited in claim 3. Therefore, the prior art provides no some suggestion or motivation to combine teachings of Lesage and Stay to form the peripheral groove on the continuous edge of the first part.

Thus, the rejection of claim 3 under 35 U.S.C. 103(a) is improper.

Claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Lesage in view of Bauer et al. (USPN 5,178,211). Applicant respectfully disagrees.

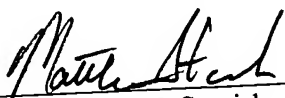
As argued above regarding the rejection of claim 1 under 35 U.S.C. 102(b), Lesage fails to disclose the heat exchanger manifold comprising the first part and the second part that

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are assembled by brazing along the entire continuous edges thereof so as to delimit the chamber solely by the first and second parts. Moreover, contrary to the Examiners allegations, the elements 12 are indicated by Bauer indicated as overlapping region, not as generatrices. Clearly, the overlapping regions 12 could not be interpreted as generatrices. Thus, even if the combination of and modification of Lesage and Bauer suggested by the Examiner could be made, the resulting heat exchanger apparatus still would lack the above elements of claim 3. Therefore, the rejection of claim 7 under 35 U.S.C. 103(a) is improper.

It is respectfully submitted that claims 1-3, 7, 8, 9 and 12 define the invention over the prior art of record and are in condition for allowance, and notice to that effect is earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution they are invited to contact the undersigned at the number listed below.

Respectfully submitted:

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